

**REMARKS**

Claims 1-3, 45-57, and 59 are currently pending. Claims 34-44 and 58 have been cancelled. Applicants reserve the right to pursue original and other claims in this and in other applications.

Claims 10-11, 17-19, 21-22, 28-30, 32-33, 39-41, 43-44, 50-52, and 54-55 stand rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Office indicates that “the above dependant claims all have improper antecedent basis for the limitations therein, as noted below, due to what appears to be simply an error in claim dependency.”

Claims 10-11, 17-19, 21-22, 28-30, 32-33, 39-41, 43-44, 50-52, and 54-55 have been amended pursuant to the recommendation of the Office. Thus, the rejection of claims 10-11, 17-19, 21-22, 28-30, 32-33, 39-41, 43-44, 50-52, and 54-55 should be withdrawn.

Claims 1-3, 12-14, 23-25, 45-47, and 56-59 stand rejected on the ground of non-statutory obviousness type double patenting as being unpatentable over claims 1-30 of U.S. Pat. No. 6,901,236.

Claims 1-4, 12-15, 23-26, 45-48, and 56-59 stand rejected on the ground of non-statutory obviousness type double patenting as being unpatentable over claims 120-122, 124, 126, 128, 130, 134-136, 138, 142, and 146-147 of U.S. Pat. Appl. No. 10/982,976.

Claims 1-3, 12-14, 23-25, 45-47, and 56-59 stand rejected on the ground of non-statutory obviousness type double patenting as being unpatentable over claims 18-49 of U.S. Pat. Appl. No. 10/992,924.

Claims 1-3, 12-14, 23-25, 45-47, and 56-59 stand rejected on the ground of non-statutory obviousness type double patenting as being unpatentable over claims 18-49 of U.S. Pat. Appl. No. 10/738,139.

With respect to U.S. Pat. No. 6,901,236, U.S. Pat. Appl. No. 10/982,976, and U.S. Pat. Appl. No. 10/738,139, Applicant notes that during subsequent prosecution, the claims of the present application may be amended, as well as 10/982,976 and 10/738,139, in a manner that would render this rejection moot. Accordingly, Applicant submits that the rejection should be withdrawn or at least held in abeyance until all other rejections have been overcome and the claims are otherwise in condition for allowance.

Applicant respectfully suggests that the double patenting rejection over of U.S. Pat. Appl. No. 10/992,924 is improper. The claims of the '924 application not even closely related to the claims of the instant application. U.S. Pat. Appl. No. 10/992,924 is directed towards a fluid level detector system which may measure the amount of fluid in a reservoir and may further trigger an alarm when the fluid level reaches a low level condition which is different from the claimed invention which is directed towards preventing copying of copy protected documents. Thus, the rejection should be withdrawn.

Claims 1-3, 5, 12-14, 16, 23-25, 27, 45-47, 48, and 56-59 stand rejected under 35 U.S.C. §102(e) as being unpatentable over Matsunoshita. Applicants respectfully traverse this rejection.

Claim 1 recites:

An image processing apparatus, comprising:

- a first pattern detecting mechanism configured to detect a background dot pattern embedded in a background image included in image data of an original image from the image data;

- a memory for storing an anti-copy background dot pattern; and

- a pattern identity determining mechanism configured to compare the detected background dot pattern with the anti-copy background dot pattern stored in the memory and determine whether the detected background dot pattern is substantially identical to the anti-copy background dot pattern stored in the memory.

Matsunoshita discloses an image generating for generating an image with specific patterns in the background of the image, where the background patterns indicate that the image is copy protected. Matsunoshita discloses an image detecting method for detecting an image with specific patterns in the background of the image, where the background patterns indicate that the image is copy protected.

Matsunoshita fails to disclose at least “background dot pattern” and thus fails to disclose elements that relate to a “background dot pattern.” The invention of Matsunoshita discloses a different invention and searches for background patterns like FIGs. 5(D) and 5(E), according to the Office. FIGs. 5(D) and 5(E) are “oblique line pattern images.” Thus, Matsunoshita fails to anticipate the claimed invention. Therefore, the rejection of claim 1 should be withdrawn and claim 1 and its dependant claims allowed over Matsunoshita.

Independent claims 12, 23, and 45 also include the element “background dot pattern” and thus are allowable over Matsunoshita for at least the reasons noted above.

Applicants appreciate the indication that claims 6-9, 20, 31, and 53 stand objected to but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. However, claims 6-9, 20, 31, and 53 depend from claims 1, 12, 23, and 45, respectively, and are allowable over Matsunoshita for at least the reasons noted above with respect to claims 1, 12, 23, and 45.

In view of the above, Applicants believe the pending application is in condition for allowance.

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